IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 800 of 2005(T)

OS.97/1999 of PRINCIPAL MUNSIFF,ALAPPUZHA
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PETITIONER:

P.G.INDIRA, CHALLIYIL HOUSE,
PUNNAPRA, ALAPPUZHA.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:
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1. **PONNAMMA, PUTHUVAL VEEDU,**
   PUNNAPRA, ALAPPUZHA.

2. **KUMARI, PUTHUVAL VEEDU,**
   PUNNAPRA, ALAPPUZHA.

3. **SANTHA, PUTHUVAL VEEDU,**
   PUNNAPRA, ALAPPUZHA.

4. **CHANDRAN, PUTHUVAL VEEDU,**
   PUNNAPRA, ALAPPUZHA.

5. **BALACHANDRAN, PUTHUVAL VEEDU,**
   PUNNAPRA, ALAPPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.800 OF 2005

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Dated this the 13th day of August 2007

JUDGMENT

This writ petition is filed challenging Ext.P6 order passed by the Principal Munsiff Court, Alappuzha in an application for remitting the Commissioner's report to demarcate the permanent boundary line for fixation of the boundary of plaint schedule property. The court below dismissed the application on the ground that no documents are produced by the plaintiff to prove her title to the scheduled property, whereas defendants are claiming right over the property by virtue of orders passed in L.A.No.124 and L.A.No.125 of 1990 by the Tahsildar, Ambalapuzha. The question of fixation of boundary arises only when it is found that the plaintiff is entitled to the property and having title to the property. I make it clear that if the court on evidence finds that the plaintiff has succeeded in proving the title to the property, the plaintiff shall not be negatived the remedy and at that stage, the court is directed to issue a Commission to fix the boundary separating the property of the plaintiff and defendants.

With this observation, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-